

3. Sierra Club also cannot assert a claim for opacity emissions occurring after the entry of the consent order because the order continues to impose compliance obligations on OG&E, and the evidence shows that OG&E is meeting those requirements.

4. The evidence also shows that OG&E meets the particulate matter emissions limit in its permit using the test methods prescribed by the permit. By law, no other evidence of particulate matter emissions can be considered in this proceeding.

5. To the extent Sierra Club wants to use opacity information to demonstrate particulate matter emission limit exceedances, it is unable to do so because of the consent order, and because opacity information simply does not prove an exceedance of the particulate matter emissions limit.

6. There is no genuine issue of material fact as to Sierra Club's remaining claim. Accordingly, summary judgment for OG&E is required.

CONCLUSION

WHEREFORE, for the foregoing reasons, and those set forth in the attached Brief in Support of its Motion for Summary Judgment, OG&E respectfully requests that this Court grant its Motion for Summary Judgment.

Date: May 21, 2014

Respectfully Submitted,

s/ Brian J. Murray

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2014 I electronically transmitted the attached Motion for Summary Judgment to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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